

February 25, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L97P0047**

SPRING HILL WEST
Preliminary Plat Application

Location: Between 116th Avenue Southeast and 118th Avenue Southeast and north
of Southeast 200th Street

Applicant: Finkbeiner Development Inc., *represented by*
Shupe Holmberg, Baima and Holmberg
100 Front Street South, Issaquah, WA 98027
Telephone: (425) 392-0250

King County: Department of Development and Environmental Services
Land Use Services Division, *represented by*
Kim Claussen, Current Planning Section
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219
Telephone: (206) 296-7167 Facsimile: (206)296-6728

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	October 30, 1997
Complete application:	November 13, 1997

EXAMINER PROCEEDINGS:

Hearing Opened: January 25, 2000
Hearing Closed: February 18, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Recreation
 - off-site facilities
- Roads
 - entering sight distance
 - intersection alignment
- Surface water drainage
 - detention standards
 - downstream impacts
 - unauthorized diversions

SUMMARY:

The preliminary plat application is approved, subject to conditions

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owner: Neta Testa
19840 – 116th Ave. SE
Renton, WA 98058

Developer: Finkbeiner Development Inc.
12011 Bel-Red Rd, #206
Bellevue, WA 98005-2401
(425) 454-7777

Engineer:	Baima & Holmberg 100 Front St. South Issaquah, WA 98027-3817 (425) 392-0250
Location:	Between 116 th Ave. SE and 118 th Ave. SE and north of SE 200 th St.
STR:	4-22-5
Zoning:	R-6
Acreage:	4.9 acres
Number of Lots:	21
Density:	4.2 units per acre
Typical Lot Size:	Ranges from approximately 5,400 to 6,600 square feet
Proposed Use:	Single-family detached residences
Sewage Disposal:	Soos Creek Water & Sewer District
Water Supply:	Soos Creek Water & Sewer District
Fire District:	King County District #37
School District:	Kent #415
Complete Application Date:	November 13, 1997

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the February 18, 2000 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Finkbeiner Development, Inc., proposes to subdivide 4.2 acres into 21 lots for single-family residential development. The site is located east of Panther Lake within an area that is undergoing transition from traditional rural residential development to urban densities. Recent urban development in the neighborhood includes the plat of Spring Hill adjacent to the east. Development on other properties in the area generally pre-dates the current urban zoning and is characterized by larger parcels.
4. This is a wet part of the world riddled by springs and seeps, and most neighborhood properties experience drainage or groundwater problems of one type or another. A more critical review of these issues was triggered by the testimony of neighborhood residents and, in particular, a study by hydrologist Ed McCarthy on behalf of Martha Shields, who owns properties both to the south and west of the plat parcel. A ditched Class 3 stream flows through the western half of the plat and ponds within a wetland at its southern boundary before passing through a 12-inch culvert, where it then meanders through Mrs. Shields' property a distance of some 400 feet before emptying into Panther Lake.
5. Mr. McCarthy was hired by Mrs. Shields to analyze the potential downstream impacts of plat development on her property. Mr. McCarthy's investigations discovered, first of all, that the plat's drainage plan contemplated the unauthorized diversion of significant new flows into the creek traversing the Shields' property. These potential diversions would transfer runoff flows

from approximately one acre on the site's eastern boundary from the Soos Creek to the

Panther Lake basin. It appears that the natural outlet for this area has been blocked by fill within Lot Nos. 28 and 47 of Spring Hill, thus preventing discharge to the east. Presently flows coming into this area pond in the vicinity of proposed Lot No. 4 until water levels reach sufficient height to overtop to the west. It is also likely that the flow blockage created by the development of Spring Hill has increased the saturation of the hillside that divides the eastern and western halves of the plat property. The plat's engineer, Mr. Holmberg, concurs with Mr. McCarthy's analysis of the unintended diversion problem. He has submitted a revised conceptual drainage plan that proposes installation of a detention tank within the Southeast 200th Street right-of-way to effect the collection of flows within the eastern portion of the plat and their discharge to the Soos Creek basin.

6. A second, smaller diversion has also been identified on the western boundary of the plat, where drainage from frontage improvements along 116th Avenue Southeast was proposed to be collected and discharged through the outlet stream onto Mrs. Shield's parcel. The new plan is still to pick up these flows and route them to the plat's western R/D and water quality vault, but to split the output flow between a western discharge point and the stream channel if a diversion variance cannot be obtained to pipe the entire western basin runoff directly to Panther Lake.
7. The concept of tightlining the entire western basin flow directly to Panther Lake after detention and treatment is the option favored by both Mr. McCarthy and Mr. Holmberg. It will require, however, the Applicant to obtain easements for the pipeline location and a surface water diversion variance. Because the available pipeline routes include properties owned by Mrs. Shields and the Washington Department of Wildlife, obtaining permission for the pipeline route appears to be feasible.
8. If, however, the tightline option to the lake proves to be unworkable, the alternative remains to discharge all western basin flows at their natural outlet locations from the property, with the principal volumes traversing the stream channel within Mrs. Shields' property. Mr. McCarthy's analysis is that the approximate doubling of flow volumes resulting from urban development on the plat site would have adverse impacts to the Shields' property in the lower stream reaches where the broad channel and low gradient would cause both the area and duration of saturation to increase. In order to mitigate such impacts if the diversion tightline proves to be infeasible, KCRTS Level 3 flow control will be required.
9. Panther Lake itself experiences its own regime of flooding problems, particularly at its northern end where a nearly flat outlet channel lies. Due to the lack of stream gradient and resultant channel siltation problems, flooding in this area is endemic. Accordingly, projects within the Panther Lake basin are increasingly being required to provide Level 3 flow control under the 1998 Surface Water Design Manual requirements. It is generally agreed that Spring Hill West, were it to be submitted as a new application today, would be required to provide Level 3 flow control.
10. The Spring Hill West plat is vested, however, to the 1990 Surface Water Design Manual, pursuant to which it originally planned to provide detention in accordance with the now outdated SBUH standard. In a concession to the seriousness of the lake flooding problem, the Applicant has volunteered to upgrade to KCRTS Level 1 flow control, which will provide approximately

three times the detention volumes previously proposed under the SBUH standard.

11. While provision of Level 3 flow control must be regarded as the optimal requirement for this plat based on the need to mitigate cumulative flooding impacts, the Level 1 standard is appropriate under the circumstances. County staff has already had two bites at the apple regarding R/D requirements for this project and declined to impose Level 3 flow control either in November, 1998, when it approved a Surface Water Design Manual variance for combined water quality and detention treatment, or more recently in September, 1999, when it issued a Determination of Non-significance for the project under SEPA. Absent compelling circumstances, it would be unfair to submit the Applicant to triple jeopardy by imposing a Level 3 requirement at this late stage.

The western basin of Spring Hill West only comprises 4 acres within a nearly 400-acre Panther Lake watershed, and the lake flooding impacts specifically attributable to the difference between Level 1 and Level 3 flow control within this context are negligible. Moreover, restoration of natural flow patterns on the eastern side of the plat will also serve to mitigate flooding impacts to Panther Lake. In the absence of a clear and quantifiable showing of an individual adverse impact, Spring Hill West should be permitted to implement Level 1 flow controls within the western plat basin if the tightline option is implemented.

12. The inadequacies of the neighborhood road system also generated considerable discussion within the plat hearing. Both 116th Avenue Southeast along the western boundary and Southeast 200th Street at the plat's southeast corner are narrow streets afflicted with entering sight distance problems. But, due to the low traffic volumes generated by this plat and their division between eastern and western access routes, it is not reasonable to impose upon the Applicant full responsibility for correcting these existing problems. Besides constructing on-site frontage improvements, the Applicant has agreed to widen 116th Avenue Southeast south of its intersection with Southeast 196th Street in order to alleviate misalignment problems and improve left turn movements. In addition, the Applicant will provide illumination both at this intersection and to the east at 119th Avenue Southeast/Southeast 196th Street, where lane striping also will be provided. Conditions also have been added which promote on-site vehicle parking during the construction phase and require removal of a road easement along the plat's northern boundary (or its exclusion from those lots which it presently crosses).
13. Finally, the Applicant proposes to meet part of its on-site recreational requirement by upgrading a half-acre parcel near the plat's southwest corner that is owned by the State Department of Fish and Wildlife and provides access to Panther Lake as a boat launch facility. It is generally agreed that this parcel is now poorly maintained and often the site of neighborhood mischief. If the appropriate arrangements can be made, the Applicant has offered to improve this parcel with recreational amenities, to provide better visibility for its surveillance, and to place responsibility for its maintenance with the plat homeowner's association. The conditions of plat approval allow the Applicant to pursue this option.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets

the requirements of RCW 58.17.110.

2. The conditions of approval imposed herein, including dedications and easements, will provide improvements which promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Spring Hill West, as revised and received within the February 18, 2000 version of Alternative No. 2, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes maybe approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code. Requirements shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual, except as specified by Condition No. 24 or an approved adjustment. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

8. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards:

- a. FRONTAGE: The frontage of the subdivision along 116th Ave. S.E. (east side only) shall be improved to the urban neighborhood collector standard.
- b. OFFSITE: 116th Avenue Southeast shall be improved to a minimum pavement width of 20 feet from the north property boundary to Southeast 196th Street.

The south leg of the intersection of 116th Avenue Southeast/Southeast 196th Street shall be widened to provide for alignment of the southbound lane between the north and south legs of the intersection and illumination installed to provide adequate lighting. The alignment shall be similar to the conceptual plan received by DDES on February 17, 2000 (Exhibit No. 30). The intersection design shall be reviewed and approved by King County Traffic Engineering and DDES prior to engineering plan approval.

The existing right turn pocket on Southeast 196th Street at 119th Avenue Southeast shall be striped and improved, as needed, to meet King County channelization standards for a right turn pocket. This will include additional illumination on the west leg of the intersection.

All of the above off-site improvements shall be designed in accordance with 3-R projects (re-surfacing, restoration, and rehabilitation) from WSDOT Local Agency Guidelines and KCRS 1.06.

- c. A temporary turnaround with illumination shall be provided at the south terminus of 116th Avenue Southeast at Southeast 200th Street. Lighting shall be directed away from off-site residences.
- d. Access Road B off 116th Avenue Southeast shall be improved to the urban minor access street standard.
- e. Access Road A off Southeast 200th Street shall be improved to the urban minor access

street standard.

- f. SE 200th St. shall be improved to the urban one-half street standard from the existing SE 200th St. terminus (east plat boundary) to Road A. A 55-foot centerline radius shall be provided at the intersection of Road A and SE 200th St. The existing temporary turnaround for SE 200th Street at the east plat boundary shall be removed and the sidewalk extended per Section 2.08 of the King County Road Standards.
 - g. Tracts B and E shall be improved as joint use driveways per Section 3.01 of the King county Road Standards.
 - h. Tract C shall be improved with a paved walkway in accordance with 1993 KCRS. The Tract shall be a minimum of 10 feet in width. An easement shall be granted over Tract C for public use. This tract shall be owned and maintained by the homeowners association. A note to this effect shall be shown on the engineering plans and final plat.
 - i. Modifications to the above road conditions may be considered pursuant to the variance provisions in Section 1.08 of the King County Road Standards.
- 9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - 10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 - 12. There shall be no direct vehicular access to or from 116th Ave SE from those lots that abut it, with the exception of lots 15 & 16. A note to this effect shall appear on the engineering plans and final plat.
 - 13. Lots 18 & 19 shall have undivided ownership of Tract B and be responsible for its maintenance. Lots 9 & 10 shall have undivided ownership of Tract E and be responsible for its maintenance. A note to this effect shall be placed on the engineering plans and final plat.

14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
15. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
16. Preliminary review has identified the following specific sensitive area requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.
 - a. The isolated Class 3 wetland (Wetland A) may be filled according to KCC 21A.24.330(k), pursuant to an approved mitigation plan.
 - b. Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved.
 - c. Wetland B, a Class 3 wetland, shall have a 25-foot buffer as measured from the edge of the wetland.
 - d. A 15-foot building setback line (BSBL) shall be established from the edge of the wetland and stream buffers.
 - e. Relocating the stream may be allowed if all requirements under KCC 21A.24.370.H(2) & I can be met.
 - f. Sensitive area tracts shall be used to delineate and protect sensitive areas and buffers in the development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
 - g. Prior to commencing construction activities on the site, the boundary between the sensitive area tracts and development areas shall be marked in a highly visible manner, and these areas must remain so marked until all development activities in the vicinity of the sensitive areas are completed;
 - h. Prior to final approval of construction activities on the site, the boundary between the sensitive area tracts and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on the engineering plans.
 - i. Pursuant to an approved sensitive area alteration, a mitigation, maintenance, monitoring, contingency and financial guarantee/bond shall be required.
 - j. A conceptual mitigation plan was submitted and determined to be adequate for preliminary approval. A final mitigation plan shall be required during final engineering review. A copy of the mitigation plan shall be submitted to the sensitive areas staff for

review and approval, prior to engineering plan approval.

17. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not

be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

18. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.). This may result in the reconfiguration of lots.
- a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include recreational space location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

- d. As an alternative, the Applicant may provide at a minimum a tot lot/children's play area (min. 500 square feet) on site. The remainder of the required recreation space may be met with off-site improvements (e.g. lighting, picnic tables, benches, etc.) on the Department of Fish and Wildlife property (Panther Lake), subject to the review and approval by the Washington State Department of Fish and Wildlife, King County Parks and DDES, prior to engineering plan approval. Fencing shall be provided along the southern boundary of the DFW site to protect the adjacent stream and wetland, unless an easement for such construction cannot be obtained. In the event necessary agreements cannot be reached regarding the provision of off-site improvements, the Applicant shall be required to provide the standard recreation space (390 square feet per lot) on-site.
 - e. As proposed by the Applicant, the homeowner's association shall be responsible for the maintenance of off-site recreation facilities, subject to the approval of the Washington State Department of Fish and Wildlife.
19. A homeowner's association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation tract, sensitive area tract(s) and pedestrian tract.
20. Street trees shall be provided as follows:
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 116th Ave SE, Roads A and B and eastern portion of SE 200th Street (east of intersection with Road A). Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowner's association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 116th

- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
21. The existing well shall be abandoned in accordance with DOE and Dept. of Health regulations, prior to final plat approval.
22. The existing house and outbuildings shall be removed prior to final plat approval.
23. The following conditions shall apply to implement the P-suffix conditions on this property
 - a. Clearing and Grading: The applicant has the option to clear the individual building envelopes during construction of the roads and utilities or upon approval of the individual building permit. If the building envelopes are to be cleared during road and utility construction, the individual building envelopes shall be shown on the engineering plans and limited to the maximum area per the Soos Creek Community plan (page 148). The clearing limits for each building envelope shall be clearly marked or flagged on each lot and inspected prior to any clearing.
 - b. Significant Tree Retention. The applicant shall demonstrate compliance with the P-suffix conditions regarding significant tree retention prior to engineering plan approval (pages 152-155, 1991 Soos Creek Community Plan).
 - c. Seasonal Clearing. Clearing and grading shall not be permitted between November 1 and March 31, unless otherwise approved by DDES (1991 Soos Creek Community Plan, pages 149-150).
24. The following drainage conditions are required for this subdivision:
 - a. Unless a tightline west to Panther Lake is provided, the stormwater retention/detention design for the westerly subbasin (including the retention/detention design for the off-site and frontage improvements to 116th Avenue Southeast) shall incorporate the Level 3 Flow Control Methodology outlined in the 1998 King County Surface Water Design Manual (KCSWDM).

Except for the 116th Avenue Southeast road and frontage improvements, the westerly drainage outlet following development shall be at the natural location through the existing 12-inch culvert beneath Southeast 200th Street or as approved by a drainage adjustment. The conceptual drainage plan received February 17, 2000 (Exhibit No. 29)

shows two alternatives: a discharge to the Class 3 stream in the southwest portion of the site (natural location) or a new tightline discharge to the west. Permission and easements are required at engineering plan submittal for construction of a new drain line west to Panther Lake. Direct discharge to the lake also shall incorporate KCRTS Level 1 Flow Control Methodology and require a surface water diversion variance.

- b. The stormwater retention/detention design for the easterly subbasin shall incorporate the Level 1 Flow Control Methodology as outlined in the 1998 KCSWDM. An updated Level 1 Off-Site Analysis shall be submitted for this subbasin at engineering plan submittal. A more restrictive Flow Control Methodology or downstream mitigation may be required by DDES depending on the results of the Off-Site Analysis.
- 25. The Applicant shall provide temporary on-site parking space for construction vehicles, as approved by DDES.
 - 26. The 8-foot road easement shown along the northern property line shall either be vacated or placed outside the boundaries of Lot Nos. 6, 7 and 8.

ORDERED this 25th day of February, 2000.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 25th day of February, 2000, to the following parties and interested persons:

Larry Armstrong
Roger Dorstad
Bill & Cathy Dugovich
Finkbeiner Development
Rick Finkbeiner
Jim Gallagher
I. S. Gill
Shupe Holmberg
John L. Scott Land Dept.
Susan Johnson
KC Environ. Health Dept.
Brian Lawler
Teresa LeMay
Rich Lucas
Carl Lund
Charles Lynch
Ed McCarthy
Bill & Candi McKay
Eleanor Moon

Geri Reinart
Stan & Virginia Robertson
Garret Schwartz
Craig Sears
Andrew Shields
Martha A. Shields
Jim C. Sprouse
Shirley Stoppeworth
Carol Swanson
Neta E. Testa
Erick Thompson
Alden Wright
Greg Borba
Kim Claussen
Steve Foley
Nick Gillen
Kristen Langley
Aileen McManus
Carol Rogers

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before March 10, 2000***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 17, 2000***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the

decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JANUARY 25, 2000 AND FEBRUARY 18, 2000, PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0047 – SPRING HILL WEST:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Kim Claussen, Bruce Whittaker, Steve Foley and Aileen McManus. Participating in the hearing and representing the Applicant were Shupe Holmberg, William Finkbeiner and Craig Sears. Other participants in this hearing were Garret Schwartz, Bill McKay, Charles Lynch, Sally Oliver, Bill Dugovich, Susan Johnson, Andrew Shields, Brian Lawler, Martha Shields, Shirley Stoppleworth, Rick Finkbeiner, Candy McKay, Alden Wright, Edward McCarthy and Geri Reinart.

The following exhibits were offered and entered into the hearing record January 25, 2000:

- | | |
|----------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services File No. L97P0047 |
| Exhibit No. 2 | Department of Development and Environmental Services preliminary report dated January 25, 2000 |
| Exhibit No. 3 | Application dated November 13, 1997 |
| Exhibit No. 4 | Environmental checklist dated November 13, 1997 |
| Exhibit No. 5 | Declaration of Nonsignificance dated September 3, 1999 |
| Exhibit No. 6 | Plat map dated October 23, 1998 (Alternative No. 2) |
| Exhibit No. 7 | Land use map 609E & 610W |
| Exhibit No. 8 | Assessors maps NW & SW 4-22-5; NE & SE 5-22-5 |
| Exhibit No. 9 | Wetland study and addendum by B-twelve Associates dated June 30, 1998, and October 6, 1998 |
| Exhibit No. 10 | Conceptual drainage plan by Baima & Holmberg received August 31, 1999 |
| Exhibit No. 11 | SWM variance decision (L98VA0078) dated November 10, 1998 |
| Exhibit No. 12 | Ordinance 13573 |
| Exhibit No. 13 | Pedestrian walkway received June 30, 1998 |
| Exhibit No. 14 | Revised proposed Condition No. 8 submitted by staff |
| Exhibit No. 15 | Map of plat with photographs keyed to various road locations |
| Exhibit No. 16 | Photograph from Oliver home of Lot 4 wetland |
| Exhibit No. 17 | Written testimony of Bill Dugovich three options for plat road circulation |
| Exhibit No. 18 | Proposed Conditions 8.d and .e submitted by staff |

The following exhibits were offered and entered into the hearing record February 18, 2000:

- Exhibit No. 19 Letter dated January 25, 2000, from Susan and Gary Johnson to DDES expressing their concerns
- Exhibit No. 20 Letter (with attachments) dated January 25, 2000, from William and Candi McKay to Hearing Examiner regarding issues of question and concern
- Exhibit No. 21 Letter dated February 14, 2000, from Brian Lawler to Hearing Examiner

- Exhibit No. 22 Drainage review dated February 14, 2000, prepared by Edward McCarthy of Haozous Engineering
- Exhibit No. 23 Area map submitted by Applicant
- Exhibit No. 24 Letter dated January 28, 2000, from Dan Budd, State of Washington Department of Fish and Wildlife, to Bill Finkbeiner
- Exhibit No. 25 Letter dated October 27, 1999, from Bill Finkbeiner to Mrs. Shields
- Exhibit No. 26 Supplemental traffic data dated February 14, 2000, prepared by Geri Reinart of David I. Hamlin & Associates
- Exhibit No. 27 Drainage basin map for Spring Hill
- Exhibit No. 28 Overall drainage map for Spring Hill
- Exhibit No. 29 Revised conceptual drainage map
- Exhibit No. 30 116th Avenue Southeast detail
- Exhibit No. 31 Sight distance map
- Exhibit No. 32 Revised site map (received by DDES February 17, 2000)
- Exhibit No. 33 Proposed condition revisions and additions submitted by staff
- Exhibit No. 34 Photographs of various roads and intersections including measurements for purposes of documenting sight distances
- Exhibit No. 35 Additional language to Condition No. 8 submitted by staff